

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1249 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SATISH DINKARBHAI KALELE

Versus

STATE OF GUJRAT & ORS.

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Appearance:

MR SI NANAVATI for Petitioner

MR DA BAMBHANIA for Respondent No. 1

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CORAM : R.K.ABICHANDANI, J

Date of decision: 25/03/96

ORAL JUDGEMENT

The petitioner had challenged the order dated 3.12.1994 which was issued by the respondent No. 2, a copy of which is at Annexure-A to the petition by which while appointing the respondent No. 3 as Associate Professor of Forensic Medicine against the post of Professor of Forensic Medicine in the pay scale of Rs.3700-5700 it was simultaneously ordered that on completion of his teaching experience of 4 years i.e. on 4.3.1995 he will be appointed as Professor of Forensic

Medicine in the pay scale of Rs. 4500-6300 with usual allowances admissible under the Rules on temporary and ad hoc basis for a period of six months or till the post is filled in on regular basis or till further orders whichever was earlier. The grievance of the petitioner was against this advance provision in the order by which on completion of 4 years the respondent No. 3 was to be appointed as professor in the pay scale of Rs. 4500-6300 for six months on ad hoc basis. This order came to be stayed on 2.3.1995 by my learned Brother (N.N. Mathur, J). The resultant effect is that on 3.9.1995 i.e. six months after the stipulated date of 4.3.1995 from which the respondent No. 3 was to become professor of Forensic Medicine in the pay scale of Rs. 4500-6300, the said order has ceased to operate. This petition has therefore become infructuous and is rejected. If the respondent authorities pass a similar order in the matter it will be open for the petitioner to challenge the same. Rule is discharged with no order as to costs. Interim relief stands vacated. Liberty to move in case of difficulty.

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